



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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September 29, 2015

TECHNICAL STAFF REPORT

Petition Accepted on August 13, 2015

Hearing Examiner Hearing of October 19, 2015

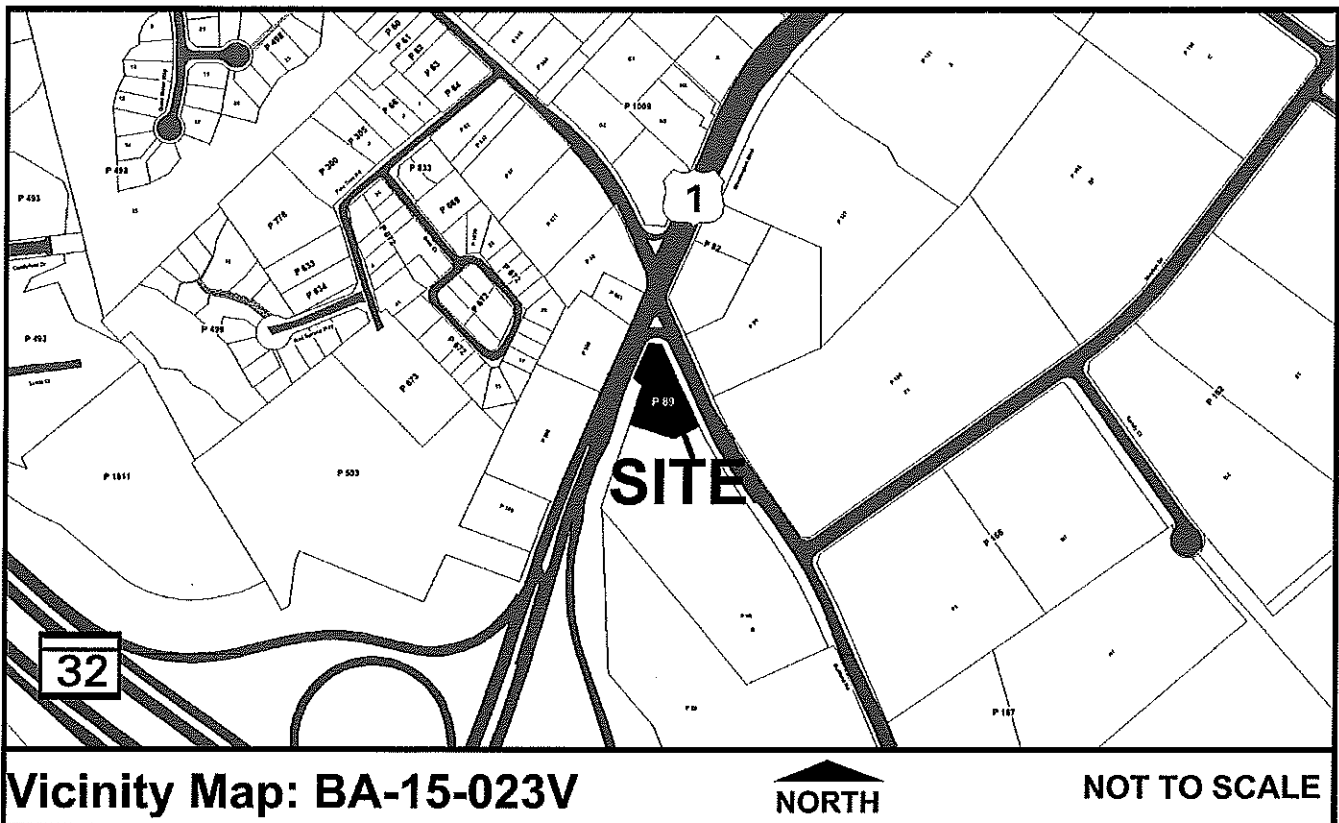
Case No./Petitioner: BA-15-023V, Island Group, LLC, Cabaze Restaurant

Request: A request for a variance from Section 127.2.E.4.a(1) of the Zoning Regulations to reduce the required structure and use setback from a public street right-of-way from 30 feet to 8 feet for the construction of a deck on the existing structure.

Location: Sixth Election District
Southern corner of the intersection of Washington Boulevard and Guilford Road
Tax Map 48, Grid 1, Parcel 89, Lot PAR A; 8801 Washington Boulevard (the "Property")

Area of Site: 0.893 acres indicated in the Petitioner's application

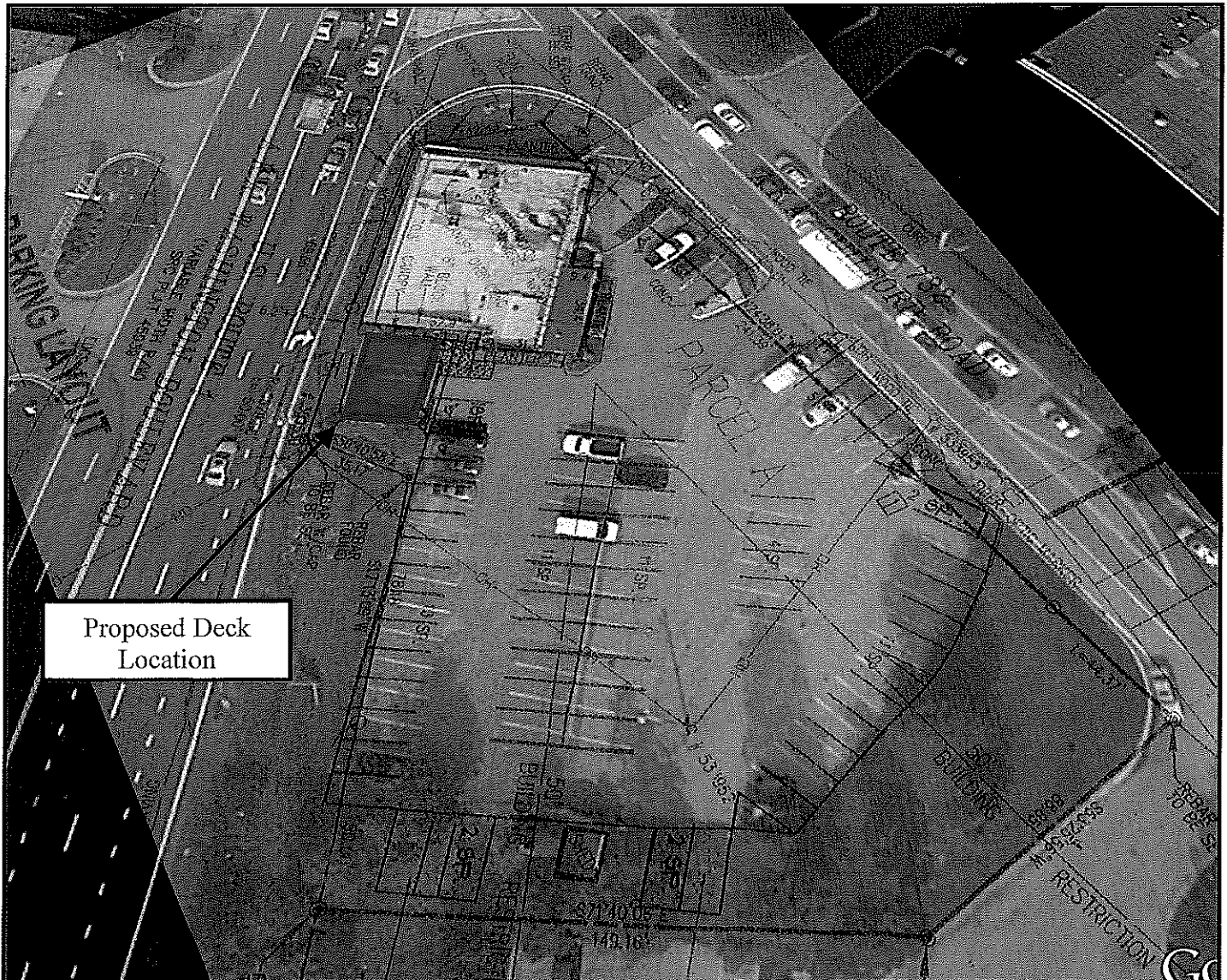
Zoning: CE-CLI-CR (Corridor Employment/Continuing Light Industrial/Commercial Redevelopment)



I. VARIANCE PROPOSAL

The Property contains an existing restaurant (the "Structure") in a CE-CLI-CR zoning district. The Petitioner is requesting a variance from Section 127.2.E.4.a(1) of the Zoning Regulations to reduce the required structure and use setback from a public street right-of-way from 30 feet to 8 feet for the construction of a 33 foot by 20 foot (660 square foot) deck attached to the structure. The proposed deck addition would provide outside seating for restaurant patrons. The location of the proposed deck would require that two handicap parking spaces be removed and shifted slightly to the east. Below is an exhibit that illustrates what the Petitioner is proposing.

In 2004 the property was rezoned to CE-CLI, and the setback requirement was changed from 50 feet to 30 feet. Per Section 128.0.B.2. of the Zoning Regulations, "Any additions to the structure or use must comply with current bulk requirements unless a variance is granted."



Source: Google Earth Overlaid with Petitioner's Plan (Not to scale)

II. BACKGROUND AND HISTORY

A. Site Description

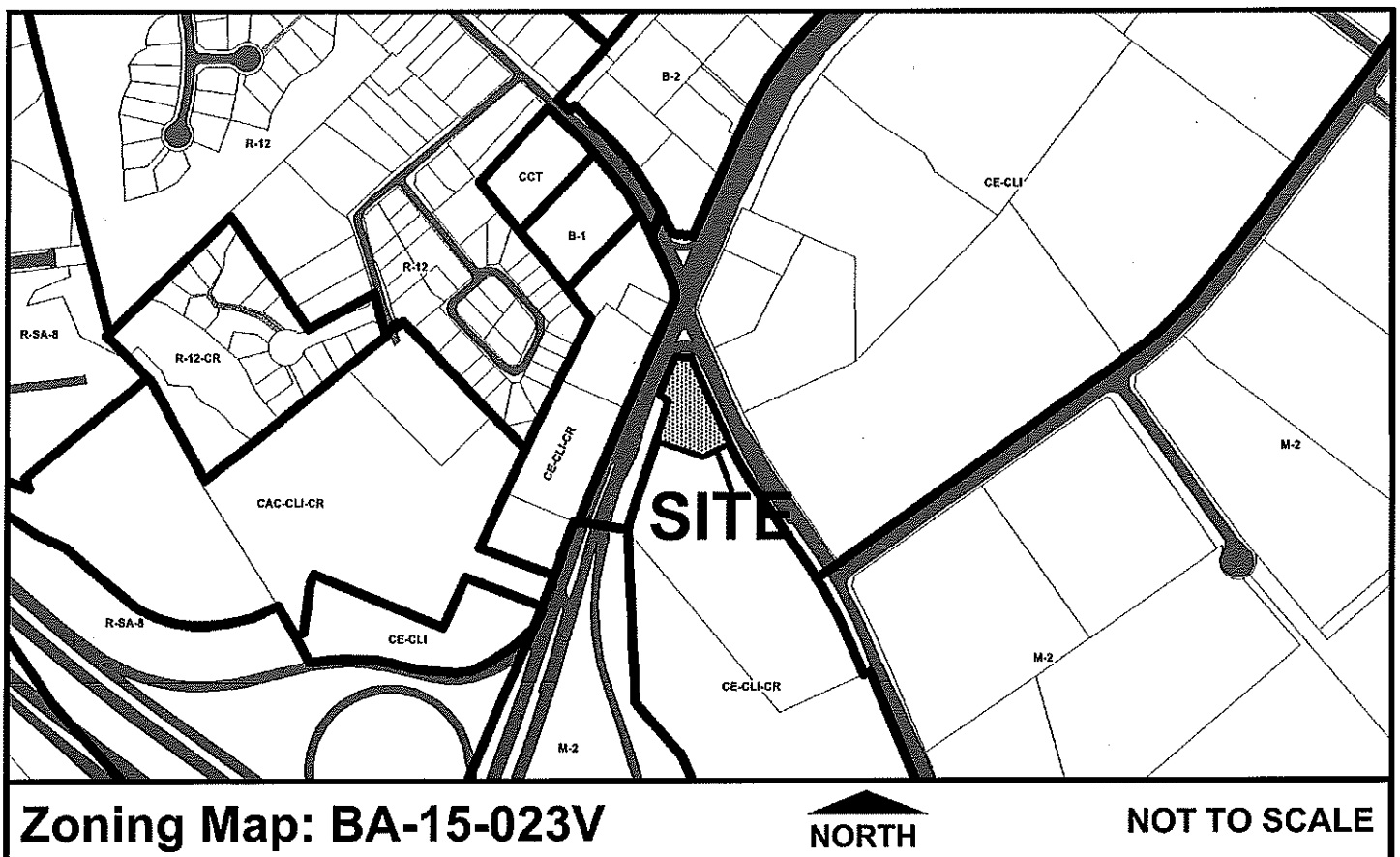
The Property is a 0.89 acre parcel improved with an existing restaurant. A site entranceway is located directly east of the existing building, and a parking lot is located directly to the south and east. The Property has approximately 270 feet of frontage on Washington Boulevard and approximately 280 feet of frontage on Guilford Road. The topography of the site is relatively level. A paved entranceway, approximately 20 feet in width, provides ingress and egress for the site off of Guilford Road.

B. Site Development

The Structure is set back from the western property line approximately 2 feet based on the Petitioner's variance plan, making it noncomplying with the current setback of 30 feet from a public street right-of way.

Department of Planning and Zoning does not have an existing site plan on file or any record of a site plan submitted for the building. However, based on aerial photographs, the building appears to have existed prior to 1953 when a site plan would not have been required, making the existing structure noncomplying.

A plat was recorded for the Property on December 30, 1982 showing a 50 foot building restriction line from both the right-of way for Washington Boulevard and the right-of-way for Guilford Road (formerly Route 32). The plat recorded in 1982 shows additional land dedicated to public use for purposes of a public road along Route 32.

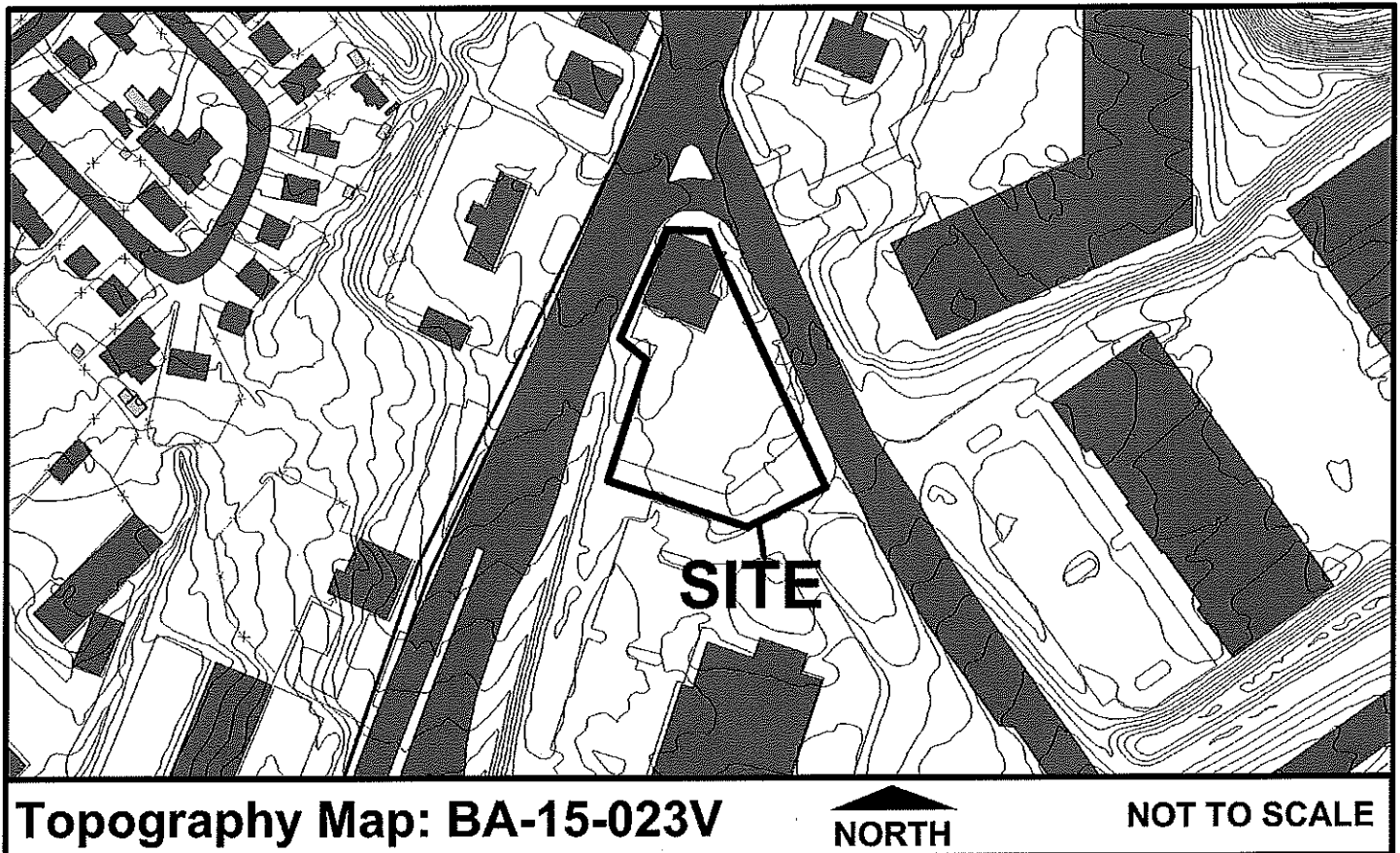


C. Vicinal Properties

Adjoining the Property to the south, Parcel 95, Lot PAR B, is zoned CE-CLI-CR, and is currently improved with retail store and warehouse.

Adjoining the Property to the east is Guilford Road.

Adjoining the Property to the west is Washington Boulevard.



D. Roads

Guilford Road has two northbound travel lanes and two southbound travel lanes in front of the Property, with approximately 45 feet of paving within a variable width right-of-way. The posted speed limit on Guilford Road is 40 miles per hour.

According to the Maryland State Highway Department, the stretch of Guilford Road located between the Anne Arundel County line and Gerwig Lane had an average traffic volume of 14,792 AADT (annual average daily traffic) in 2013.

The proposed access point on Guilford Road is approximately 660 feet from a bend in the road located to the south. Based on estimated stopping sight distance of 305 feet for a car going 40 miles per hour, the proposed access point on Guilford Road appears to provide safe access with adequate sight distance.

The proposed access point on Guilford Road is approximately 770 feet from a bend in the road located to the north. Based on estimated stopping sight distance of 305 feet for a car going 40 miles per hour, the proposed access point on Guilford Road appears to provide safe access with adequate sight distance.

However, a professional sight distance analysis would need to be conducted in order to conclusively evaluate sight distance at the proposed location. A professional sight distance analysis is typically conducted when the Site Development Plan is submitted. Approval of the Site Development Plan would be contingent upon compliance with all Howard County design criteria, including sight distance.

E. Water and Sewer Service

The Property is inside the Metropolitan District, and is currently served by public water and public sewer facilities.

F. General Plan

The Property is designated Growth and Revitalization on the Designated Place Types Map of PlanHoward 2030.

Guilford Road is depicted as a Major Collector on the Functional Road Classification Map of PlanHoward 2030.

G. Agency Comments

No other agencies had any comments regarding this proposal.

H. Adequate Public Facilities Ordinance

If a Site Development Plan is necessary for the addition to the existing restaurant, the petition may be subject to the Adequate Public Facilities Ordinance. Site Development Plans are tested to determine the adequacy of existing road facilities and conditions and are required to provide any improvements deemed necessary as a result of this test.

IV. EVALUATION AND CONCLUSIONS

A. Evaluation of petition according to Section 130.0.B.2. of the Zoning Regulations (general criteria for Variances):

1. The Property identified as Tax Map 48, Grid 1, Parcel 89, Lot PAR A is unique because the Structure is a noncomplying building. The deck addition can only be built in the proposed location given the existing building's floor plan.
2. The Structure on the Property is located 2 feet from the western property line at the closest point, and the proposed deck would be located 8 feet from the western property line of the Property. The requested variance would not alter the essential character of the neighborhood since the Structure is already noncomplying. The proposed deck addition would not be any closer to the western property line of the Property than the Structure. Additionally, the appearance of the proposed deck conforms to the appearance of the existing neighborhood, and generally helps to enhance the character of the surrounding community.
3. The practical difficulty or hardship of not being able to meet all setback requirements is directly attributable to the noncomplying nature of the Structure. Additionally, the current owner (American Touresports, Inc.) purchased the Property in 1988 with the noncomplying structure on the Property. Therefore, the hardship was not created by the current owner.

The Petitioner claims that the State Highway Administration moved the street right-of-way closest to the side of the Property where the deck addition is proposed (along Washington Boulevard), and the movement of that right-of-way created the practical difficulty or hardship. The Petitioner did not provide any documentation that the right-of-way line for Washington Boulevard was ever moved closer to the existing building on the Property, and the Department of Planning and Zoning was unable to find evidence of such. Therefore, this information was not considered as part of the Department of Planning and Zoning's evaluation of practical difficulty or hardship.

4. The requested variance is the minimum necessary for the Petitioner to make reasonable use of the Property. Outdoor seating areas are common for restaurants. Further, the proposed deck is relatively small in proportion to the overall Structure and area. The Structure is approximately 4,265 square feet, and the proposed deck addition is approximately 660 square feet. Since the area of the proposed deck is only about 15% as large as the Structure, the Department of Planning and Zoning considers the proposed deck to be a reasonable size.

V. RECOMMENDATION

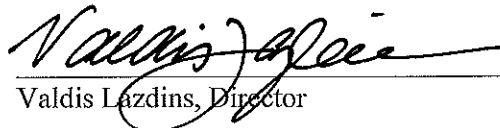
For the reasons stated above, the Department of Planning and Zoning recommends that the request for a variance to reduce the required structure and use setback from 30 feet to 8 feet for the construction of a deck on the Structure be APPROVED, subject to the following condition:

1. The Conditional Use shall be conducted in conformance with and shall apply only to the structure described in the petition and as depicted on the plan submitted on July 22, 2015, or as revised by the Hearing Examiner, and not to any other activities, uses, or structures on the Property.

Report Drafted By:

 9/29/15
John E. Hartner, Jr. (J.J.) Date

Approved By:

 9-29-15
Valdis Lazdins, Director Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.



View from Washington Boulevard of proposed deck location (Photo from Google Maps)



View from Washington Boulevard of the current parking lot (Photo from Google Maps)



View from the parking lot entrance looking north on Guilford Road (Photo from Google Maps)



View from the parking lot entrance looking south on Guilford Road (Photo from Google Maps)